

## FORM SUMMARY

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**Name of Form:** **Order for Change of Placement (In-home to Out-of-home Placement Only)**  
**Indian Child Welfare Act**

**Form Number:** **IW-1789**

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**Statutory Reference:** §§48.357, 48363, 938.357, 938.363 and 938.365, Wisconsin Statutes

**Benchbook Reference:** JV 11

**Purpose of Form:** Order of the court for change of placement from the child's/juvenile's home to an out-of-home placement.

**Who Completes It:** Court, corporation counsel, or district attorney.

**Distribution of Form:** Original to court file, copies to child/juvenile/attorney/guardian ad litem, parents/guardian, legal and/or physical/Indian custodian/attorney, foster home, social worker, tribe, district attorney or corporation counsel.

**Accompanying Forms:** Generally none.

**New Form/Modification:** Modified; last update 08/10.

**Modifications:** Clarified that #2c on pg. 2 applies if the child/juvenile has one or more siblings in out-of-home care and that the child/juvenile is not placed with all those siblings.

**Comments:** This form is used in both ch. 48 and ch. 938 matters. This form replaces JD-1767, Order to Change Placement/Revise/Extend Dispositional Order.

Additionally, in order to follow the requirements of the Indian Child Welfare Act, the order must contain a finding as to whether the continued custody of the child/juvenile by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child/juvenile. This finding must be supported by the testimony of one or more qualified expert witnesses. The order must also contain a finding whether active efforts have been made to prevent the break up of the Indian family. Finally, the order must state whether the placement preferences of ICWA have been followed.

RMC recommends that the court not rely upon attachments alone as the basis for its findings. Where attachments are used, specific reference to the document title, page and paragraph should be made.

**About this Form:** This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**